

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 AGRE-00 L-03 IO-13 SIG-01
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USDA/FAS:TPOERSTAL
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FM SECSTATE WASHDC
TO AMEMBASSY PARIS PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY OSLO PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY BERN PRIORITY
AMEMBASSY LUXEMBOURG PRIORITY

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PASS TO AGRICULTURAL ATTACHE WAYNE W. SHARP (PARIS)

E.O. 11652: N/A

TAGS: EWWT, XT, ECE

SUBJECT: AGREEMENT ON THE INTERNATIONAL CARRIAGE OF
PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE
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USED FOR SUCH CARRIAGE (ATP), ECE, SIGNED AT GENEVA,
SEPTEMBER 1, 1970

1. THE AGREEMENT CAME INTO FORCE NOV. 21, 1976. SPAIN,
FRANCE, YUGOSLAVIA, USSR, FRG, AND DENMARK ARE PARTIES TO
THE ATP. USDA IS THE GOVERNMENT AGENCY WHICH WILL TAKE
THE NECESSARY ACTION, IN CONJUNCTION WITH THE DEPARTMENT

OF STATE, TO EFFECTUATE USG ACCESSION. WE ARE HOPEFUL THAT THIS CAN BE DONE DURING THE 95TH CONGRESS; SENATE ADVICE AND CONSENT AND IMPLEMENTING LEGISLATION WILL BE REQUIRED.

2. FOR PARIS: DEPARTMENT (EB/TCA/MA) INFORMED ON JUNE 9 THAT SEALAND SERVICES, INC., A U.S.-FLAG CARRIERS, HAS RECEIVED WORD FROM ITS EMPLOYEE IN LE HAVRE, U.L. HOTELLIER, TERMINAL MANAGER, P.O. BOX 1195, THAT H TELLIER HAD RECEIVED WRITTEN NOTICE FROM THE FRENCH MINISTRY OF AGRICULTURE THAT THE PORT OF LE HAVRE SANITARY INSPECTORS

WILL STRICTLY APPLY BEGINNING MAY 15 THE REGULATIONS PROMULGATED AS A RESULT OF FRANCE'S RATIFICATION OF THE ATP. HOTELLIER INTERPRETED SUCH ACTION TO MEAN THAT THE INLAND TRUCKING OF SEALAND'S REEFERS IS NOW ILLEGAL BECAUSE THEY ARE NOT CERTIFIED FOR THE CARRIAGE OF PERISHABLE COMMODITIES. HOTELLIER BELIEVES THAT THE FRENCH INSPECTORS CAN START LEVYING FINES OF DOLLARS 200 PER INFRINGEMENT OR REFUSE TO ISSUE SANITARY CERTIFICATES RESULTING IN A COMPLETE LOCKOUT OF THE CIRCULATION OF SEALAND'S REEFERS. NO DELAYS HAVE BEEN EXPERIENCED TO DATE.

3. SEALAND ESTIMATES THAT ITS REEFER CONTAINER TRAFFIC INTO LE HAVRE (BEEF AND CITRUS PRODUCTS) AND OUT OF LE HAVRE (WINE AND CHEESE) WAS VALUED AT DOLLARS 77 MILLION IN 1976. THIS TRANSLATES INTO A FREIGHT REVENUE OF APPROXIMATELY 5.3 MILLION.
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4. COPIES OF THE ENGLISH AND FRENCH VERSIONS OF THE ATP ARE BEING POUCHED. WE BELIEVE THAT ARTICLES 2 AND 5 OF THE ATP ARE GERMANE TO THE IMMEDIATE SITUATION. ARTICLE 2 GIVES THE FRENCH THE QUOTE OPTION UNQUOTE OF RECOGNIZING CERTIFICATES OF A NON-RATIFYING COUNTRY; ARTICLE 5 STATES THAT QUOTE THE PROVISIONS OF THIS AGREEMENT SHALL NOT APPLY TO CARRIAGE IN CONTAINERS BY LAND WITHOUT TRANSLOADING OF THE GOODS WHERE SUCH CARRIAGE IS PRECEDED OR FOLLOWED BY A SEA-CROSSING OTHER THAN A SEA-CROSSING AS REFERRED TO IN ARTICLE 3, PARA 2 OF THIS AGREEMENT UNQUOTE. ARTICLE 3 PARA 2 PERTAINS TO OCEAN CROSSINGS OF LESS THAN 150 KM. IF SEALAND SHIPS DIRECTLY FROM U.S. TO LE HAVRE, ARTICLE 5 WOULD SEEM TO PROVIDE FOR EXCLUSION. HOWEVER, IF SEALAND, FOR EXAMPLE, TRANSSHIPS VIA UK TO LE HAVRE, ARTICLE 5 MAY NOT APPLY. TO OUR KNOWLEDGE, LE HAVRE ONLY PORT OF ATP SIGNATORIES WHICH SO FAR HAS STATED IT WILL APPLY INSPECTION REGULATIONS TO NON-SIGNATORY COUNTRIES. SEALAND ONLY COMPLAINANT TO

DATE.

4. REQUEST EMBASSY CONFIRM FACTS AND STATUS OF SEALAND'S COMPLAINT; ALONG WITH JUDGEMENT OF SITUATION. FYI: ONE POSSIBLE REMEDY FOR ANY PROBLEM MAY BE TO HAVE AMERICAN CERTIFICATION SOCIETIES (AMERICAN BUREAU OF SHIPPING, INTERNATIONAL CARGO GEAR BUREAU AND NATIONAL CARGO BUREAU) CERTIFY REEFERS THAT WILL ENTER THE EUROPEAN MARKET AS MEETING THE ATP STANDARDS. SIMILAR CERTIFICATION COULD EXPLORED WITH THE EUROPEAN CERTIFICATION SOCIETIES. USG NOT YET READY TO PROPOSE THIS APPROACH, AND ITS ACCEPTABILITY WOULD BE CONTINGENT UPON FRENCH ACCEPTANCE OF SUCH CERTIFICATES. END FYI. FAS WASHINGTON WILL ALL ATTACHE JUNE 10 AT 0830 WASHINGTON TIME.

6. FOR LONDON, BRUSSELS, THE HAGUE, OSLO, STOCKHOLM, ROME, BERN, LUXEMBOURG: REQUEST STATUS OF HOST COUNTRY LIMITED OFFICIAL USE

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ACCESSION TO THE ATP AND IF NEGATIVE WHETHER IN FACT HOST COUNTRY REEFER CONTAINER OPERATORS HAVE EXPERIENCED ANY DIFFICULTIES SUCH AS THOSE MET BY SEALAND. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, MARINE TRANSPORTATION, FOODS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Film Number: D770206-1052
Format: TEL
From: STATE
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To: PARIS LONDON MULTIPLE
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